

# ORDINANCE 1521

**AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, RELATING TO LOW INCOME UTILITY RATES FOR WATER, SEWER AND GARBAGE, AND SPECIFICALLY AMENDING NBMC SECTIONS 13.08.130, 13.36.270, AND 13.44.070, AND ADOPTING NEW NBMC SECTIONS 13.40.190, 13.40.192, 13.40.194, AND 13.40.196; AND AMENDING NBMC SUBSECTION 8.12.010E; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE**

**WHEREAS**, the North Bend Municipal Code (“NBMC”) currently provides for discounts on water, sewer, storm water and floodplain management service charges for low income senior citizens and low income disabled citizens; and

**WHEREAS**, the City of North Bend desires to consolidate the application process for these discounts in Chapter 13.40, billing and collection of utility charges, and to provide easily verifiable criteria for approval of these discounts; and

**WHEREAS**, the NBMC currently provides for discounts on garbage collection and curbside recycling for low income senior citizens and low income disabled citizens; and

**WHEREAS**, the City of North Bend desires to provide easily verifiable criteria for approval of these discounts;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1. NBMC 13.08.130 (Rates established), Amended:** North Bend Municipal Code Section 13.08.130 (Rates established) is hereby amended to read as follows:

**13.08.130 Rates established.**

Monthly charges shall apply to water supplied from the city of North Bend’s water distribution system as established by the taxes, rates and fees schedule adopted by ordinance for the following classes of accounts:

A. Single-family residential units inside the corporate city limits (including units in duplexes, triplexes, apartment houses, condominiums, trailer courts, and other multifamily

dwelling), where each unit is supplied with a separate metered water service connection, shall pay the base charge plus an additional charge for each cubic meter of water consumed.

B. Single-family residential units, duplexes, triplexes, apartment houses, condominiums, trailer courts, and other multifamily dwellings inside the city limits that are jointly served by only one metered water service connection shall pay the base charge plus an additional charge for each cubic meter of water consumed.

C. Mixed-use buildings (those buildings consisting of any combination of residential and commercial uses inside the corporate limits of the city) that are served by only one metered water service connection shall pay according to the following methodology:

1. One commercial base-charge determined by the actual water meter's size, regardless of the number of commercial businesses in the building;

2. One multifamily base-charge determined by the actual water meter's size, regardless of the number of residential units in the building; and

3. An additional volume charge at the commercial rate for each cubic meter of water consumed.

D. All other uses within the corporate city limits shall pay the specified base charge plus an additional charge for each cubic meter consumed.

E. Single-family residential units outside the city limits including units in duplexes, triplexes, and other multifamily dwellings that are served by separate water meter connections shall pay the specified minimum charge plus the charge for each cubic meter consumed.

F. Single-family residential units, duplexes, triplexes, apartment houses, condominiums, trailer courts, and other multifamily dwellings located outside the city limits that are jointly served by only one metered water service connection shall pay the base charge plus an additional charge for each cubic meter of water consumed.

G. All other users outside the city limits shall pay the specified base charge plus an additional charge for each cubic meter of water consumed.

H. The charges relating to water companies, water associations, water districts, and water processors shall be as established by the taxes, rates and fees schedule adopted by ordinance.

I. Any customer account within the corporate limits of the city serviced by meter connections solely for lawn, garden or landscape watering or other irrigation purposes shall pay the specified base meter charge plus an additional charge for each cubic meter of water consumed.

J. Contractors may request a temporary connection to the city's water system to obtain water for construction purposes. The city shall determine the location of such a temporary connection, if permitted. The contractor shall pay a deposit for the installation of a water meter and backflow preventer, refundable upon termination of the temporary connection if the meter and backflow preventer remain in good working condition. The contractor shall pay an additional fee for a hydrant permit and an administrative fee for each day that the water meter remains installed. The contractor shall pay an additional charge for each cubic meter of water consumed during the temporary connection.

K. The base rate charged in the taxes, rates and fee schedule shall be determined by the size of the meter serving the premises.

L. In addition to any applicable charges set forth in this section, all users responsible for payment of any such charges shall pay a monthly surcharge equal to six percent of the total monthly charges owed by such user to the city for water services.

**Section 2. NBMC 13.36.270 (Rates), Amended:** North Bend Municipal Code Section 13.36.270 (Rates) is hereby amended to read as follows:

**13.36.270 Rates.**

Monthly charges, as established by the taxes, rates and fees schedule adopted by ordinance, shall apply to the following classifications of users of the city sewer system:

A. Each single-family residential unit inside the corporate limits of the city (including units in duplexes, triplexes, apartment houses, condominiums, trailer parks, and other multifamily dwellings), where each unit is supplied with a separate metered water service connection, shall pay the base sewer charge plus an additional charge per cubic meter of water consumed over an initial 10 cubic meters consumed that month as measured by the water meter.

B. Single-family residential units, duplexes, triplexes, apartment houses, condominiums, trailer courts, and other multifamily dwellings inside the corporate city limits that are serviced by only one metered water service connection shall pay the base charge for each residential unit plus an additional charge per cubic meter of water usage over the initial 10 cubic meters of water consumed that month as measured by the water meter.

C. Mixed-use buildings (those buildings consisting of any combination of residential and commercial uses) inside the city limits that are served by only one metered water service connection shall pay according to the following methodology:

1. One commercial base-charge, regardless of the number of commercial businesses in the building;

2. A multifamily base-charge for each residential unit in the building; and

3. An additional charge, at the commercial rate, for each cubic meter of water usage over the initial 20 cubic meters of water consumed that month for the entire building as measured by the water meter.

D. All other users inside the city limits shall pay the specified base charge plus an additional charge for each cubic meter of water consumed over the initial 10 cubic meters of water consumed that month as measured by the user's water meter.

E. All users outside the city limits shall pay the base charge plus an additional charge for each cubic meter of water consumed over the initial 10 cubic meters of water

consumed that month as measured by the user's water meter.

F. In the event that any user of the sewage system, by reason of the user's activities, is in two or more of the classifications set out in this section, the rate for such users shall be the highest rate established for any such classification.

G. In the event that a user of the sewage system obtains water from a metered system other than the city's water system, the charges for sewer system usage shall be based on the meter readings from the purveyor of the water supply. As a condition of sewer service, the property owner shall sign an agreement with the city authorizing the water purveyor to provide the city water use records for the building to be served by sewer.

H. In the event the user of the sewage system obtains water from a private source that is not metered, the user shall pay the prescribed base fee for the associated uses in the building as set forth in the taxes, rates and fees schedule.

I. A user of the sewage system may apply in writing to the city administrator for a sewage charge adjustment. The burden is on the user to demonstrate by clear and convincing evidence based on studies and other data that the water consumption used to calculate the sewage charge is greatly disproportionate to the user's impact on the sewage system as compared to other users of the sewage system. Requesting such an adjustment does not extend the period for payment of the sewage charge. An adjustment on a delinquent account shall not be made until the account is paid in full. The city administrator shall establish processes and procedures for reviewing requests for adjustments and may revoke an adjustment at any time. The decision of the city administrator shall be final.

J. In addition to any applicable charges set forth in this section, all users responsible for payment of any such charges shall pay a monthly surcharge equal to six percent of the total monthly charges owed by such user to the city for sewer services.

**Section 3. New NBMC 13.40.190 (Low income senior citizen discount), Adopted:** A new North Bend Municipal Code Section 13.40.190, to be entitled “Low income senior citizen discount”, is hereby adopted to read as follows:

**13.40.190 Low income senior citizen discount.**

Low income senior citizens who meet the requirements set forth in NBMC 13.40.194 and 13.40.196 shall be entitled to a reduction in the city’s water, sewer, stormwater and floodplain management service charges as established by the city by ordinance.

**Section 4. New NBMC 13.40.192 (Disabled low income citizen discount), Adopted:** A new North Bend Municipal Code Section 13.40.192, to be entitled “Disabled low income citizen discount”, is hereby adopted to read as follows:

**13.40.192 Disabled low income citizen discount.**

Low income disabled citizens who meet the requirements set forth in NBMC 13.40.194 and 13.40.196 shall be entitled to a reduction in the city’s water, sewer, stormwater and floodplain management service charges as established by the city by ordinance. For the purposes of this chapter, a disabled citizen is a person who is disabled as defined by the Social Security Administration and who receives Social Security benefits, or any other benefits, for that disability from any governmental source.

**Section 5. New NBMC 13.40.194 (Application for discount), Adopted:** A new North Bend Municipal Code Section 13.40.194, to be entitled “Application for discount”, is hereby adopted to read as follows:

**13.40.194 Application for discount.**

In order to qualify for the rate reductions set forth in NBMC 13.40.190 and 13.40.192, a person must file an application for the reduction with the city administrator or his/her designee prior to January 1st of the year for which the rate reduction is desired. Persons qualifying for the discount after the first of the year may apply at any time at least 30 days prior to the billing date upon which the rate reduction is to be effective. Applicants must meet the requirements for eligibility set forth in NBMC 13.40.196. The city may require the application to be updated on an annual basis.

**Section 6. New NBMC 13.40.196 (Requirements for eligibility for discount), Adopted:** A new North Bend Municipal Code Section 13.40.196, to be entitled “Requirements for eligibility for discount”, is hereby adopted to read as follows:

**Requirements for eligibility for discount.**

A. The rate reduction shall only apply to utility charges for service to a residence. The residence for which the rate reduction is requested must be the applicant's principal place of residence. The residence may be any single-family, duplex, triplex, or other multifamily residential dwelling unit inside the city limits that is supplied by a separate meter service connection.

B. The utility account must be in the applicant's name or the name of the applicant's spouse, or in the name of a cooperative or condominium association. In situations where the utility account is in the name of a cooperative or condominium association, that organization must guarantee to the city that the full benefit of any rate reduction shall be received by the qualifying individuals under NBMC 13.40.190 or 13.40.192.

C. Non-resident property owners may obtain the reduction if the premises are rented to a qualified applicant under NBMC 13.40.190 or 13.40.192 and the owner certifies that the full benefit of any rate reduction shall be received by the qualifying renter.

D. No person may claim a rate reduction for more than one dwelling unit during the same billing period.

E. The rate reduction authorized by NBMC 13.40.190 shall not be used in conjunction with the rate reduction authorized by NBMC 13.40.192.

F. For purposes of this chapter, a "senior citizen" is a person who is at least 65 years of age on the date of the person's application for a utility rate reduction under this chapter.

G. For purposes of this chapter, "low income" means that the person has a combined disposable income in an amount that would qualify the person for property tax exemption under RCW 84.36.381(5)(b). "Combined disposable income" shall be defined as stated in RCW 84.36.383.

**Section 7. NBMC 13.44.070 (Unit rate established), Amended:** North Bend Municipal Code Section 13.44.070 (Unit rate established) is hereby amended to read as follows:

**13.44.070 Unit rate established.**

A. A unit rate is established by the taxes, rates and fees schedule adopted by ordinance, to be made up of a stormwater rate per month per equivalent service unit or single-family residence plus a floodplain management rate surcharge per month per equivalent service unit or single-family residence, in order to further address flooding issues directly or indirectly related to surface and stormwater within the city.

**Section 8. NBMC 8.12.010(E) (Garbage Collection and Curbside Recycling Rates), Amended:** North Bend Municipal Code Subsection 8.12.010(E) (Garbage collection and curbside recycling rates) is hereby amended to read as follows:

E. The charge for single-family residential service for all residences in which the person responsible for payment of the charge is 65 years of age or older, and/or is determined to be disabled by the Social Security Administration or comparable agency and has an annual gross income determined to be “low income”, may be reduced by 25 percent upon application and approval by the city of North Bend. For purposes of this chapter, “low income” means that the person has a combined disposable income in an amount that would qualify the person for property tax exemption under RCW 84.36.381(5)(b). “Combined disposable income” shall be defined as stated in RCW 84.36.383. Proof of age and income must be provided to the city on a form prepared by the city administrator, and the reduced charge shall take effect for garbage service provided the month following the month in which proof of age and income is received and approved. The city may require the application to be updated on an annual basis.

**Section 9. Severability:** Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.



**Section 10. Effective Date:** This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 15<sup>TH</sup> DAY OF APRIL, 2014.**

**CITY OF NORTH BEND:**

**APPROVED AS TO FORM:**

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**Kenneth G. Hearing, Mayor**

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**Michael R. Kenyon, City Attorney**

**ATTEST/AUTHENTICATED:**

Published: April 23, 2014

Effective: April 28, 2014

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**Susie Oppedal, City Clerk**